

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 0612-01  
Bill No.: HB 68  
Subject: Crimes and Punishment; Boards, Commissions, Committees, Councils  
Type: Original  
Date: February 5, 2001

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**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON STATE FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2002</b>	<b>FY 2003</b>	<b>FY 2004</b>
General Revenue Fund	(Exceeds \$377,590)	(Exceeds \$255,423)	(Exceeds \$178,049)
<b>Total Estimated Net Effect on <u>All</u> State Funds</b>	<b>(Exceeds \$377,590)</b>	<b>(Exceeds \$255,423)</b>	<b>(Exceeds \$178,049)</b>

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2002</b>	<b>FY 2003</b>	<b>FY 2004</b>
None			
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2002</b>	<b>FY 2003</b>	<b>FY 2004</b>
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Numbers within parentheses: ( ) indicate costs or losses.

This fiscal note contains 4 pages.

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## **FISCAL ANALYSIS**

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### ASSUMPTION

Officials from the **Governor's Office**, **Missouri Senate**, and the **Office of the State Public Defender** assume the proposed legislation would have no fiscal impact on their agencies.

Officials from the **Missouri House of Representatives** assume funds will be appropriated to support the Commission. Therefore, the proposed legislation would have no fiscal impact on their agency.

Officials from the **Office of State Courts Administrator** assume the proposed legislation would create a "Commission on the Death Penalty" to study the application of the death penalty and impose a moratorium on carrying out the sentence during the study. Depending upon the information requested of the judiciary and the time required to compile and provide such information, the cost to the judiciary should not be significant.

Officials from the **Office of Attorney General** assume an attorney to serve on the commission on the death penalty could be provided with current resources. Therefore, the costs of the proposal can be absorbed.

Officials from the **Department of Corrections (DOC)** assume they are unable to ascertain what conclusions may be drawn from the executions study performed by the sentencing advisory commission. The DOC currently performs six executions per year on behalf of the state, with the offender serving over ten years prior to execution. Current operation costs for incarceration are \$43.49 per inmate, per day at a maximum-security facility of the DOC.

The DOC assumes the need for additional capital improvements is not anticipated at this time. It must be noted that the cumulative effect of various legislation, if adopted, could result in the need for additional capital improvements funding if the total number of new offenders or offenders serving longer sentences exceeds current planned capacity. Estimated construction cost for one new maximum-security inmate bed is \$55,000 (FY99 cost). Utilizing this per-bed cost provides for a conservative estimate by the DOC, as entire facilities and/or housing units would have to be constructed to cover the cost of housing new commitments resulting from the cumulative effect of various new legislation, if adopted as statute.

**Oversight** assumes the proposal could result in more offenders being incarcerated or placed on probation. Additional costs for supervision and care by the DOC cannot be determined, but would likely be greater than \$100,000.

ASSUMPTION (continued)

Officials from the **Office of Administration - Division of Budget and Planning (OA)** assume that general revenue will provide funding for the Commission. OA further assumes that the commission would be staffed by an Executive Director (\$51,252) and a Clerk IV (\$26,460) in addition to the necessary expense and equipment for each position. It is assumed that the nine members will meet in Jefferson City four times each during FY 2002 and FY 2003, and twice during FY 2004 which will add travel and hearing-related expenses. It is assumed that the commission will contract for a study to analyze data as outlined in the proposal. OA assumes the cost of the study will be similar to that incurred for the sentencing study, or about \$130,000.

<u>FISCAL IMPACT - State Government</u>	FY 2002 (10 Mo.)	FY 2003	FY 2004
<b>GENERAL REVENUE FUND</b>			
<u>Costs - Office of Administration</u>			
Salaries	(\$64,760)	(\$77,712)	(\$38,856)
Fringe Benefits	(21,585)	(25,901)	(12,951)
Expense and Equipment	<u>(191,245)</u>	<u>(51,810)</u>	<u>(26,242)</u>
Total	(\$277,590)	(\$155,423)	(\$78,049)
<u>Costs - Department of Corrections</u>			
Increased beds	(Exceeds <u>\$100,000</u> )	(Exceeds <u>\$100,000</u> )	(Exceeds <u>\$100,000</u> )
<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>	<b>(Exceeds <u>\$377,590</u>)</b>	<b>(Exceeds <u>\$255,423</u>)</b>	<b>(Exceeds <u>\$178,049</u>)</b>
<u>FISCAL IMPACT - Local Government</u>	FY 2002 (10 Mo.)	FY 2003	FY 2004
	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

DESCRIPTION

The proposed legislation places a moratorium on carrying out the death penalty from December 1, 2001, until January 1, 2004.

DESCRIPTION (continued)

The proposal also creates a commission on the death penalty which shall study all aspects of the death penalty in Missouri. The proposal designates the members of the commission and directs it to hold public hearings. The commission's findings, which must include recommendations for corrective amendments to the statutes and court rules, are to be available to the Governor, the Legislature, and the Supreme Court at the end of the moratorium period.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Office of State Courts Administrator  
Governor's Office  
Office of the State Public Defender  
Office of Attorney General  
Missouri Senate  
Department of Corrections  
Office of Administration - Division of Budget and Planning  
Missouri House of Representatives



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